IN THE HIGH COURT OF JUDICATURE AT BOMBAY
APPELLATE SIDE
CIVIL WRIT PETITION NO.1168 OF 1995

Bharat Petroleum Corpn. Ltd. Petitioner

Vs.

City and Industrial Development
Corpn. of Maharashtra Ltd. & anr. Respondents

Mr.E.P.Bharucha with Ms.K.Desai i/b. Mr.M.P. Savla
for petitioner.

Mr.Rajedra Sawant for Resp. Nos.1 and 2.

CORAM: B.H.MARLAPALLE & D.B.BHOSALE,JJ.

March 31, 2006.

P.C.

. This Court by the earlier order dated 3rd March 2006 noted that the issues raised in this petition regarding levy of service charges were between the two Corporation i.e. the petitioner, a Government of India Undertaking and the Respondent No.1, a Special Planning Authority appointed by the Government of Maharashtra under the Maharashtra Regional and Town Planning Act, 1966 and, therefore, it was thought fit that both the Corporations should explore the possibilities of settlement.

. Mr.Sawant, the learned counsel for the Respondent No.1-Corporation submitted before us that the subject matter of levying service charges covers

not only the petitioner but some other Public Sector Undertakings (Government of India as well as State of Maharashtra) and it would be necessary for the Respondent No.1 to undertake negotiations with all such Undertakings along with the petitioner. Mr.Sawant further submitted that the negotiations may go on for two to three months and thereafter only Respondent No.1 will be able to take an appropriate decision. We do not find anything wrong in this and, therefore, we are of the considered view that the petitioner and Respondent No.1 as well as the other Public Sector Undertakings will have to commence negotiations for settling the issue of levying service charges by the Respondent No.1.

. We direct that the negotiations be completed as expeditiously as possible and the Respondent No.1 shall take a fresh decision on levying service charges to the Public Sector Undertakings preferably by 31st July 2006. We make it clear that the rights and contentions of the respective parties are left open and to be placed during the course of negotiations. The interim protection granted by this Court to the petitioner vide order dated 17th April 1995 shall continue to operate till the Respondent

No.1-Corporation fixes the rates of service charges afresh and communicates the same to the petitioner.

. The petition is disposed off in terms of the above directions.

(D.B.BHOSALE,J.) (B.H.MARLAPALLE,J.)